

**REGULAR MEETING
CITY COUNCIL
June 1, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Local Law (Intro # 2 – 2006) _____ **Date** June 1, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** _____

L.L. INTRO #2 FOR 2006

LOCAL LAW ____ - INTRO. NO. 2 OF 2006

REFERRED TO PUBLIC HEARING – JULY 6, 2006 – 6:45PM

**A LOCAL LAW AMENDING SECTION 4 OF
LOCAL LAW NO. 2 OF 1987, TO REVISE THE TROY EMPIRE ZONE
(FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT ZONE)**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TROY, COUNTY OF
RENSSELAER, STATE OF NEW YORK, AS FOLLOWS:

Section 1. By Local Section 4 of Law No. 2 of 1987, this City Council authorized an applicant for the designation of an Economic Development Zone relative to certain land within the City of Troy.

Section 2. That the City of Troy has received Economic Development Zone approval from New York State.

Section 3. By Local Law No. 1, adopted in the year 1989, the Economic Development Zone was expanded.

Section 4. By Local Law No. 3, adopted in the year 1995, the Economic Development Zone was expanded a second time.

Section 5. By Local Law No. 6, adopted in the year 1999, the Economic Development Zone was expanded a third time.

Section 6. By Local Law No. 6, adopted in the year 2002, the Economic Development Zone, now called the Empire Zone, was expanded a fourth time.

Section 7. It is the desire of this City Council to authorize an application to revise the Empire Zone to include 1,272.51 acres located in the City of Troy.

Section 8. The City of Troy is hereby authorized to submit an application to revise the Empire Zone to include the property described in Section 7 of this Local Law.

Section 9. The boundary of the Empire Zone, as described in Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law No. 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002, Local Law #2 for 2005 and Local Law #2 for 2006 shall be amended to include the properties as defined in the attached proposed 2006 change map, prepared by C.T. Male Associates, P.C., attached hereto and made a part hereof.

Section 10. The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Local Law.

Section 11. In all other respects, Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002 shall remain in full force and effect.

Section 12. This Local Law shall take effect immediately upon the filing with the New York State Secretary of State.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Local Law (Intro #3 – 2006) _____ Date June 1, 2006
Introduced by Council Member DerGurahian
At the request of _____ Seconded by _____

LOCAL LAW NO. _____ (INTRO # 3) OF 2006

REFERRED TO PUBLIC HEARING JULY 6, 2006 – 6:50pm

“REINVEST IN HISTORIC TROY EXEMPTION (RITE)”

A LOCAL LAW CREATING CHAPTER 257 “TAXATION” – Article XI, OF THE CODE OF THE CITY OF TROY CREATING PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION FOR CERTAIN HISTORIC PROPERTY IMPROVEMENTS PURSUANT TO SECTION 444-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, Section 444-a of the NYS Real Property Tax Law authorizes the adoption of a local law to grant real property tax exemptions for certain improvements to historic properties;

BE IT ENACTED by the City Council of the city of Troy as follows:

Chapter 83 of the City Code is hereby created as:

The Historic Property Improvement Exemption.

257-37. Exemption Granted.

Historic property, which for the purposes of this Article shall mean any real property that has been designated as a landmark, or is a property that contributes to the character of an historic district located within the City of Troy, that is altered or rehabilitated shall be exempt from taxation levied by the City of Troy on the increase in assessed value attributable to such alteration or rehabilitation to the extent provided hereinafter, pursuant to section 444-a of the New York State Real Property Tax Law. The length of said exemption shall be ten years. Such exemption shall be computed in accordance with the following table:

<u>Year of exemption</u>	<u>Percentage exempt from tax</u>
1	100
2	100
	81

3	100
4	100
5	100
6	80
7	60
8	40
9	20
10	0

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257-38. Requirements.

No exemption pursuant to this Article shall be granted for alteration or rehabilitation unless:

- A. Such alterations or rehabilitation was commenced subsequent to the effective date of this Article.
- B. Such property has been designated as a landmark, or is a property that contributes to the character of an historic district within the City of Troy that was created pursuant to 96-a or 119-dd of the New York State General Municipal Law.
- C. Such alterations or rehabilitation are made for means of historic preservation.
- D. The alteration or rehabilitation is not ordinary maintenance or repairs.
- E. Such alterations or rehabilitation of historic property meet guidelines and review standards in the City Code regarding historic preservation.
- F. Such alterations or rehabilitation of historic property are approved by the Troy Historic Preservation Commission or Review Board.

257-39. Time to file application

Any exemption pursuant to this Article shall be granted only upon application by the owner thereof on the form prescribed by the state board. The application shall be filed with the Assessor of the City of Troy on or before the taxable status date of March 1 to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date. Improvements to historic property must be completed to qualify for the exemption pursuant to this Article.

Section 2. This Local Law shall take effect immediately upon its filing with the Secretary of State.

Ordinance No. 1 Date June 1, 2006
 Introduced by Council Member Collier
 At the request of Administration Seconded by Wojcik

**ORDINANCE APPROVING AND AUTHORIZING THE SALE BY PUBLIC AUCTION OF CERTAIN
CITY OWNED REAL PROPERTY**

The City of Troy, convened in the City Council, ordains as follows:

Section 1. The City held a public auction of City owned real property.

Section 2. The auction resulted in tentative sales as described in schedule "A", attached hereto and made a part hereof.

Section 3. The City Council hereby authorizes the Mayor to close title on the all properties identified in schedule "A" to those successful bidders identified therein.

Section 4. This act shall take effect immediately.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 **Date** June 1, 2006
Introduced by Council Member Collier
At the request of Administration **Seconded by** Krogh

ORD. #2

**RESOLUTION AUTHORIZING THE DISCONTINUANCE AND
CLOSING OF A PORTION OF AN UNNAMED PAPER STREET**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council hereby authorizes the discontinuance and closing of an unnamed Paper Street (alley) between 519 Second Street and 521 Second Street, more specifically defined in Schedule "A" attached hereto and made a part hereof.

Section 2. The City of Troy hereby determines that the property owned by the City, more particularly described in Schedule "A", annexed hereto, is no longer needed for City purposes and therefore is declared surplus property.

Section 3. It is hereby directed, pursuant to Chapter 83 of the City Charter and Section 20 of the General City Law, that said property is to be offered for sale consistent with all laws applicable to the sale of surplus property held by the City.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 **Date** June 1, 2006
Introduced by Council Member Collier
At the request of Administration **Seconded by** McGrath

ORD. #3

**ORDINANCE AUTHORIZING THE DISCONTINUANCE AND
CLOSING OF A PORTION OF AN UNUSED RIGHT OF WAY (ROW) OF TENTH AVENUE
EXTENSION – SOUTH OF R STREET**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council hereby authorizes the discontinuance and closing of a portion of an unused right-of-way (ROW) of Tenth Avenue Extension – South of R Street, more specifically defined in Schedule "A" attached hereto and made a part hereof.

Section 2. The City of Troy hereby determines that the property owned by the City, more particularly described in Schedule "A", annexed hereto, is no longer needed for City purposes and therefore is declared surplus property.

Section 3. It is hereby directed, pursuant to Chapter 83 of the City Charter and Section 20 of the General City Law, that said property is to be offered for sale consistent with all laws applicable to the sale of surplus property held by the City.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** June 1, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #4

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
 GENERAL, WATER, AND SEWER FUNDS BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

June 2006 Budget Amendment

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date June 1, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian

ORD. #5

**ORDINANCE AMENDING THE 2006 CAPITAL BUDGET TO ESTABLISH A HOMEOWNER
 SIDEWALK IMPROVEMENT PROGRAM**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Capital Budget is hereby amended to establish a Homeowner Sidewalk Improvement Program as provided in Schedule “A” entitled “Homeowner Sidewalk Improvement Program”, which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized, on behalf of the City of Troy, to execute all contracts in furtherance of the projects described in this Capital Expenditure Program.

Section 3. This ordinance shall take place immediately.

Approved as to form, May 18, 2006

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date June 1, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh

ORD. #6

**ORDINANCE AMENDING THE 2006 GENERAL FUND BUDGET TO ACCEPT
 \$50,000.00 IN NYS FUNDS**

**FOR THE PURPOSE OF PERFORMING FACILITY AND STRUCTURAL
UPGRADES TO THE CITY'S MARINA**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

Budget Amendment – Marina Upgrades

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 **Date** June 1, 2006
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Campana

RES. #1

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE
VILLAGE OF MENANDS SETTING THE WATER RATES FOR NOVEMBER 1, 2002 THROUGH
OCTOBER 31, 2010, PURSUANT TO THE SECTION 9 OF THE FORTY (40) YEAR WATER
SUPPLY AGREEMENT DATED MAY 8, 1986**

WHEREAS, the city and village entered into a certain agreement dated May 8, 1986 whereby the City agreed to sell and the Village agreed to purchase water pursuant to certain terms and conditions set forth in said agreement; and

WHEREAS, pursuant to Section 9 of said agreement the contract price for water sold by the City to the Village shall be paid for after October 31, 1987 at the Cost of Production per 1,000 gallons; and

WHEREAS, the City Administration and the Administration for the Village of Menands have negotiated a tentative agreement to establish the following rates for the period November 1, 2002 to October 31, 2010, subject to the approval of the Village Board of the Village of Menands and the Troy City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement on behalf of the City of Troy with the Village of Menands for the period commencing November 1, 2002 and terminating October 31, 2010, the content of said agreement to be substantially in the form of the agreement on file in the office of the Troy City Clerk and the office of the Corporation Counsel and by reference incorporated herein:

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 **Date** June 1, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** DerGurahian

RES. #2

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
LEASE AGREEMENT WITH OMNIPOINT COMMUNICATIONS, INC.
TO LEASE SPACE ON THE UPPER HIGH SERVICE WATER
TANK ON TIBBITTS AVENUE FOR THE PLACEMENT OF TELECOMMUNICATIONS
EQUIPMENT.**

The City of Troy, convened in City Council, ordains as follows;

WHEREAS, pursuant to Section 5.51 of the Troy City Charter, the City Council herein determines that space on the Upper High Service Water Tank on Tibbitts Avenue is no longer needed for City purposes.

NOW, THEREFORE BE IT RESOLVED, the Mayor, on behalf of the City of Troy, is hereby authorized to execute a lease agreement with Omnipoint Communications, Inc. substantially in the form of the attached, leasing to said company

space on the Upper High Service Water Tank, as identified in the attached, for the annual rent of \$18,000 for 5 years. Omnipoint Communications, Inc. will have the option of renewing the lease for five (5) additional five-year (5) terms with annual rent increases of 3% per year./

Approved as to form, May 18, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 **Date** June 1, 2006
Introduced by Council Member Collier
At the request of Administration **Seconded by** DerGurahian

RES. # 3

**RESOLUTION IN SUPPORT OF ADOPTING THE NATIONAL
INCIDENT MANAGEMENT SYSTEM (NIMS)**

WHEREAS, In Homeland Security Presidential Directive (HSPD) – the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management system (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, The collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, It is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest level of incident management; and

WHEREAS, The NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the states' ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, The Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations' training programs; and

WHEREAS, The National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now, therefore;

BE IT RESOLVED, that the City Council of the City of Troy supports adopting the National Incident Management System for responding to emergency incidents within the City of Troy to take effect immediately.

Approved as to form May 25, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

Resolution No. 4 Date June 1, 2006

Introduced by Council Member Bauer

At the request of Administration Seconded by Ryan

RES. #4

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, May 25, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 Date June 1, 2006
 Introduced by Council Member Campana
 At the request of _____ Seconded by Krogh

RES. #5

**RESOLUTION AUTHORIZING THE FRIENDS OF WASHINGTON PARK, INC. TO SUBMIT A
 GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND
 HISTORIC PRESERVATION FOR FUNDING TO RECONSTRUCT WASHINGTON PLACE**

WHEREAS, the Friends of Washington Park, Inc. desire to reconstruct Washington Place to maintain its historic nature, and

WHEREAS, the Friends of Washington Park, Inc. desire to accomplish this reconstruction at no cost to the City of Troy, and

WHEREAS, the New York State Environmental Protection Fund offers a historic preservation grant component which would assist in accomplishing this objective, and

WHEREAS, the Friends of Washington Park, Inc. request a resolution from the City Council of the City of Troy to authorize the filing of this grant application, and

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Troy hereby authorizes and directs the Friends of Washington Park, Inc. to file the application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$90,000, and upon approval of the said request to enter into and execute a project agreement with the State for such financial assistance to the Friends of Washington Park, Inc. for the reconstruction of Washington Place and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, May 25, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

Resolution No. 6 Date June 1, 2006
 Introduced by Council Member Bauer
 At the request of _____ Seconded by Campana

RES. #6

**A RESOLUTION PURSUANT TO SECTION 32 OF THE NEW YORK STATE PUBLIC HOUSING
 LAW RELATING TO THE EMPLOYMENT OF, AND THE WAGES, RATES AND SALARIES OF
 EMPLOYEES OF THE TROY HOUSING AUTHORITY**

WHEREAS, Section 32 of the New York State Public Housing Law requires that the legislative body of the City of Troy approve the employment of, and the wages, rates and salary of employees employed by the Troy Housing Authority; and

WHEREAS, the Board of Commissioners of the Troy Housing Authority adopted by a majority vote Resolution No. 06-22, which approved the contract between the Civil Service Employees' Association and the Troy Housing Authority; and

WHEREAS, said contract had been previously ratified by the employees of the Troy Housing Authority; and

WHEREAS, said contract does not have any financial impact on the finances of the City of Troy, New York; and

WHEREAS, the Executive Director of the Troy Housing Authority has submitted a written request to the President of the City Council of the City of Troy, dated May 11, 2006, requesting that the City Council of the City of Troy enact a resolution in compliance with Section 32 of the Public Housing Finance Law, together with a copy of the resolution of the Troy Housing Authority dated May 5, 2006, approving said contract.

NOW, THEREFORE, BE IT RESOLVED THAT, at the request of the Troy Housing Authority, the City Council of the City of Troy, New York hereby approves the employment of, and the wages, rates and salaries of the employees employed by the Troy Housing Authority.

Approved as to form, May 25, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 06-02-06 for Executive Action – Approved and returned 06-12-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn in memory of Arlene Cahill by Councilwoman DerGurahian

Meeting adjourned at 7:55pm.